



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

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PART II — Section 2

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 11th July, 2014:—

### I

#### BILL No. XX OF 2013

*A Bill to amend the Prohibition of Child Marriage Act, 2006.*

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Prohibition of Child Marriage (Amendment) Act, 2013.

Short title and  
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

6 of 2007.

2. In the Prohibition of Child Marriage Act, 2006, (hereinafter referred to as the principal Act), for clause (a) of section 2, the following shall be substituted, namely,—

Amendment  
of section 2.

"(a) Child means a person who, if a male, has not completed eighteen years of age and if a female, has not completed fifteen years of age."

Amendment  
of section 3.

**3.** In section 3 of the principal Act for sub-section (*I*), the following be substituted, namely,—

Child marriage  
to be valid at  
the option of  
the female  
child.

“3. (*I*) Every child marriage whether solemnized before or after the commencement of the Act, shall be valid:

Provided that if a petition for annulling a child marriage may be filed in the district court by a female who was child at the time of marriage.”

## STATEMENT OF OBJECTS AND REASONS

Child marriage or marriage of girls under eighteen, is rampant in India. As per the United Nations Children's Fund report, forty-seven per cent. of women in India, married before eighteen years of age and about forty per cent. of the child marriages take place in India. It is also a fact that most the countries with majority of muslims have legal age limits for female ranging from fifteen to seventeen years for marriage, as comparable to western countries. The age for boys is either the same or slightly higher. India has also set the legal age limit of eighteen for girls and the same is the case in many other countries. The law is difficult to enforce in rural areas where historical, cultural and economic factors often outweigh legal restrictions. Communities, irrespective of their religions feel that with the implementation of the Prohibition of Child Marriage Act, 2006, a large number of marriages in the country are fit to be annulled, and will have natural consequences on the lives of women ranging from inheritance of property to maintenance of families and children.

In Islam, intellectual and physical maturity and a woman's credible permission are prerequisites for a marriage to be valid. The section 2 of the Muslim Personal Law (Shariat) Application Act, 1937 provides that in all questions regarding 'marriage' the rule of decision in cases where the parties are Muslims shall be the Muslim Personal Law (Shariat). Even the Muslim Personal Law would be in conformity with making the age of marriage for girls under eighteen. The Delhi High Court has also upheld the right of a Muslim girl to contract marriage at the age of fifteen on the basis of the Mohammedan law. Therefore, there is a need to amend the Prohibition of Child Marriage Act, 2006 to give effect to the Muslim Personal Law or the Shariat and the judgement pronounced by the Delhi High Court.

Hence this Bill.

MOHAMMED ADEEB

## II

### BILL NO. XXIV OF 2013

#### *A Bill to amend the Immoral Traffic (Prevention) Act, 1956.*

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

Short title  
and  
commencement.

**1.** (1) This Act may be called the Immoral Traffic (Prevention) Amendment Act, 2013.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment  
of section 2.

**2.** In the Immoral Traffic (Prevention) Act, 1956 (hereinafter referred to as the principal Act), in section 2, after clause (i), the following clause shall be inserted, namely,—

104 of 1956.

“(ia) ‘trafficking in persons’ means and includes the recruitment transportation, transfer, harbouring or obtaining of persons, by means of threat or use of force or other forms of coercion, abduction, kidnapping, fraud, deception, abuse of power or of a position of vulnerability or of giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

*Explanation.* (1)—The expression “exploitation” includes, exploitation for prostitution or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs and the consent of a victim of trafficking in persons to the intended exploitation set forth in clause (ia) shall be irrelevant where any of the means mentioned in clause (ia) have been used.

*Explanation.* (2)—The expression ‘trafficking in persons’ includes recruitment, transportation, transfer, harbouring or obtaining of a child for the purpose of exploitation even if it does not involve any of the means as mentioned in clause (ia).”

**3.** In the principal Act, after section 5, the following shall be inserted, namely:—

Insertion of  
new section  
5A.

“5A. Any person who commits trafficking in person shall be punishable on conviction with imprisonment for life.”

Punishment  
for  
trafficking in  
person.

## STATEMENT OF OBJECTS AND REASONS

The menace of child trafficking in our country has been growing at an alarming pace. The common reasons for child trafficking range from economic deprivation, lack of employment opportunities, low social status (more common for girls), low education level and general awareness, disadvantageous socio-cultural norms, gender and minority discrimination etc. The prevalence of child trafficking is high in poverty stricken areas of Andhra Pradesh, Bihar, Uttar Pradesh, Madhya Pradesh, Rajasthan, Orissa and West Bengal.

Traffickers force young girls into prostitution, and other men, women, and children are held in debt bondage and face forced labour working in brick kilns, rice mills, factories, homes as domestic servants, or as beggars or in hazardous occupations etc. The traffickers of young girls are often those women who themselves have been trafficked and who use their personal relationships and trust in people in their villages to recruit additional girls.

A large number of children are abducted every year of which a sizeable number remain untraced according to a report by the National Human Rights Commission of India. The United Nations Children's Fund (UNICEF) has estimated that the majority of children trafficked are engaged in hazardous occupations.

Although Immoral Traffic (Prevention) Act, 1956 is in place to address the issue of human trafficking. The Act only refers to trafficking for prostitution, hence does not provide comprehensive protection for children. The Act also does not provide clear definition of "trafficking". Thus, there is an imperative need to define, trafficking and to enhance the punishment for the heinous offence to protect children and others against trafficking.

Hence this Bill.

MANSUKH L. MANDAVIYA

### III

#### BILL NO. XXV OF 2013

##### *A Bill further to amend the Motor Vehicles Act, 1988*

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Motor Vehicles (Amendment) Act, 2013.

Short title and  
commencement.

(2) It shall come into force at once.

59 of 1988.

2. In the Motor Vehicles Act, 1988 (hereinafter referred to as the principal Act), in section 183 for sub-sections (1) and (2), the following sub-sections shall be substituted, namely,—

Amendment of  
section 183.

"(1) Whoever drives a motor vehicle in contravention of the speed limits referred to in section 112 shall be punishable for the first offence with imprisonment for a term which may extend to six months, or with fine which may extend to rupees five thousand, or with both, and for any second or subsequent offence with imprisonment for a term which may extend to three years, or with fine which may extend to rupees ten thousand, or with both and if such an act results in the death of any person, the convict shall be punished with life imprisonment.

(2) Whoever causes any person who is employed by him or is subject to his control to drive a motor vehicle in contravention of the speed limits referred to in section 112 shall be punishable for the first offence with imprisonment for a term which may extend to six months, or with fine which may extend to rupees five thousand, or with both, and for any second or subsequent offence with imprisonment for a term which may extend to three years, or with fine which may extend to rupees ten thousand, or with both and if such an act results in the death of any person, the convict shall be punished with life imprisonment."

Amendment  
of section  
184.

**3.** In section 184 of the principal Act,—

(a) for the words "imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees", the words, "imprisonment for a term which may extend to one year or with fine which may extend to five thousand rupees" shall be substituted;

(b) for the words, "imprisonment for a term which may extend to two years or with fine which may extend to two thousand rupees, or with both", the words, "imprisonment for a term which may extend to three years or with fine which may extend to ten thousand rupees or with both and if such an act results in the death of any person, the convict shall be punished with life imprisonment" shall be substituted.

Amendment  
of section  
185.

**4.** In section 185 of the principal Act,—

(a) for the words "imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees or with both", the words, "imprisonment for a term which may extend to one year or with fine which may extend to five thousand rupees, or with both" shall be substituted;

(b) for the words, "imprisonment for a term which may extend to two years, or with fine which may extend to three thousand rupees, or with both", the words, "imprisonment for a term which may extend to three years or with fine which may extend to ten thousand rupees or with both and if such an act results in the death of any person, the convict shall be punished with life imprisonment" shall be substituted.

Amendment  
of section  
186.

**5.** In section 186 of the principal Act, for the words "with fine which may extend to two hundred rupees and for a second or subsequent offence with fine which may extend to five hundred rupees", the words, "with fine which may extend to one thousand rupees and for a second or subsequent offence with fine which may extend to five thousand rupees and if such an act results in the death of any person, the convict shall be punished with life imprisonment" shall be substituted.

Insertion of  
new section  
186A.

**6.** After section 186 of the principal Act, the following shall be inserted, namely,—

Punishment  
for not  
wearing  
protective  
head gear.

"186A. Whoever fails to comply with the provisions of section 129 shall be punishable for the first offence with imprisonment for a term which may extend to three months, or with fine which may extend to rupees two thousand, or with both, and for any second or subsequent offence with imprisonment for a term which may extend to six months, or with fine which may extend to rupees five thousand, or with both."



## STATEMENT OF OBJECTS AND REASONS

There has been a sharp rise in the number of two wheelers on the roads. The majority of them are high end bikes capable of attaining high speeds in short time. In the majority of the accidents involving the two-wheelers, it has been observed that the fatality could have been avoided, if the drivers and companion had been wearing helmets. It is very strange that though the people purchase expensive bikes, yet they are not ready to invest in purchasing a helmet which can save lives in an accident. In this connection, the deterrence provided by way of fine in the Motor Vehicles Act, 1988 is too low and has failed to instill discipline among the two-wheeler drivers regarding compulsory wearing of helmets while driving.

Similarly, there has been a sharp increase in the number of other four wheeler vehicles on the roads. The new vehicles coming on the roads are again capable of reaching high speeds in seconds, which at times pose great danger to other vehicles and pedestrians as well who also use roads at the same time. The owners of these high end vehicles are elite and affluent who drive these vehicles dangerously specially after consuming alcohol as for them the punishment provided in the Motor Vehicles Act, 1988 is meagre and thus does not act as an effective deterrent.

The offences of causing death by rash and negligence driving are a matter of grave public concern and are among the most difficult cases for courts to decide quantum of imprisonment. There is a growing perception among public that punishment in such cases which come after a long time, is very lenient. Thus, it is felt that the fine and punishment in the Motor Vehicles Act, 1988 for offences of driving two wheelers without helmets, causing death by rash and dangerous driving or driving under the influence of alcohol or other intoxicants may be raised substantially so that besides being more deterrent it can instill a sense of discipline among the drivers.

Hence this Bill.

MANSUKH L. MANDAVIYA

#### IV

#### BILL NO. XXVI OF 2013

*A Bill to provide for the establishment of permanent bench of the High Court of Gujarat at Surat.*

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

Short title.

**1.** (1) This Act may be called the High Court of Gujarat (Establishment of a Permanent Bench at Surat) Act, 2013.

Establishment  
of a  
Permanent  
Bench of the  
High Court of  
Gujarat at  
Surat.

**2.** There shall be established a permanent Bench of the High Court of Gujarat at Surat and such Judges of the High Court of Gujarat, being not less than three in number, as the Chief Justice of that High Court may from time to time nominate, shall sit at Surat in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in the districts of Bharuch, Tapi, Navsari, Surat, Dang and Valsad.

## STATEMENT OF OBJECTS AND REASONS

The High Court of Gujarat is located at Ahmedabad. Gujarat, being a vast State, people have to travel long distances with a lot of inconvenience in order to reach the High Court at Ahmedabad to pursue their cases. This not only consume lest of time but also is expensive for litigants specially those who are poor.

There has been a demand from the people of the State especially those from Bharuch, Tapi, Navsari, Surat, Dang and Valsad districts that a Bench of the High Court be setup at Surat which is a commercially important city of the State of Gujarat. It would greatly help the tribal people living in above said districts to pursue their pending cases for speedy disposal.

Hence this Bill.

MANSUKH L. MANDAVIYA

## V

## BILL NO. XXIX OF 2013

*A Bill to provide for the welfare measures for the distressed veteran sportspersons such as old age pension for subsistence, disability assistance, healthcare facilities, housing facilities etc., to be undertaken by the State and for the establishment of Distressed Veteran Sportspersons Welfare Fund and for matters connected therewith and incidental thereto.*

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

Short title,  
extent,  
application  
and com-  
mencement.

1. (1) This Act may be called the Distressed Veteran Sportspersons (Welfare) Act, 2013.

(2) It extends to whole of India and applies to sportspersons who are citizens of India and are for the time being, in distress.

(3) It shall come into force with immediate effect.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in other cases the Central Government;

(b) "Fund" means the Distressed Veteran Sportspersons Welfare Fund established under section 3;

(c) "prescribed" means prescribed by rules made under this Act; and

(d) "veteran sportsperson" includes all sportspersons who have represented a State in National games or represented India in Olympic games or Commonwealth Games or Asian Games or in any International sports event.

**3. (1) The Central Government shall, as soon as may be, but within six months of the commencement of this Act, by notification in the Official Gazette, establish the Distressed Sportspersons Welfare Fund for the purposes of this Act with initial corpus of rupees ten thousand crore to be provided by the Central Government by due appropriation made by law by Parliament in this behalf and thereafter the Central Government and Governments of the States and Union Territories shall contribute to the Fund to such extent and in such manner as may be prescribed.**

Establishment  
of the  
Distressed  
Sportspersons  
Welfare Fund.

(2) The fund may also receive moneys from body corporates, financial institutions and sportsbodies, both domestic and international ones, individuals and bodies in the form of contributions and donations.

(3) The fund shall be administered by a Board consisting of,—

(i) the Union Minister of Sports, as the (*ex-officio*) chairperson;

(ii) five members to represent each of the Sports bodies called Associations, Federations or by whatever name called, recognized by the International Olympic Committee (IOC) or as may be recognized by the Central Government, by notification in the Official Gazette, who shall be rotated in alphabetical order after every three years in such manner as may be prescribed;

(iii) three members to represent the States to be nominated by the Central Government on the recommendation of the States who shall be rotated in alphabetical order after every three years, in such manner as may be prescribed;

(iv) two members to represent the veteran sportspersons to be nominated by the Central Government in such manner as may be prescribed.

(4) Any veteran sportsperson who is in distress and who intends to avail old age pension for his subsistence or for disability assistance under this Act shall apply to the Board constituted under sub-section (3) of section 3 in such form and in such manner as may be prescribed and the Board shall, after holding such inquiry, as it may deem fit and necessary either accept or reject the application and in case the application is accepted, shall sanction the quantum of old age pension per month and the disability assistance in one lump sum, as the case may be, to the applicant:

**Provided that the monthly old age pension shall not be less than rupees ten thousand and the disability assistance shall not be less than rupees five lakh.**

**4.** The fund shall be utilized, in addition to the purposes referred to in sub-section (4) of section 3 of this Act, for the following purposes, namely:—

Utilization of  
the fund.

(a) payment of premium of life insurance of veteran sportsperson;

(b) free healthcare facilities including medicines pathological tests, X-rays and various scans, treatment as outdoor and indoor patients for the distressed veteran sportspersons and their family members; and

(c) for such other purposes and welfare measures, as may be prescribed.

**5.** It shall be the duty of the appropriate Government to set up a special cell for the purposes of monitoring the implementation of the provisions of this Act within its territorial jurisdiction.

Appropriate  
Government  
to set up  
special cell.

Central  
Government  
to provide  
funds.

**6.** The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds for carrying out the purposes of this Act.

Act to  
supplement  
other laws.

**7.** The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act.

Power to  
make rules.

**8.** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

## STATEMENT OF OBJECTS AND REASONS

Our Nation has produced world renowned sportspersons and of late, our Nation has improved its medal tally at the Olympics, Asian Games, Commonwealth Games and other International events which proves that games and sports are gaining popularity in our Country, There are sports like Cricket, lawns tennis or to some extent badminton in which sportspersons are earning good money which may be enough to lead a normal life but there are games where there is no money for the sportspersons. Very often incidents are reported by the media that veteran sportsperson is pulling bicycle rickshaw, or working as a labourer or as a waiter and so on so forth. With the passage of time, many veteran, sportspersons become distressed eitgher due to old age, disability, infirmity, due to chronic diseases, etc., They do not have money even for their subsistence, let alone spending money on their medical treatment and other necessities of life Circumstances compel them to lead isolated life. It is felt that Welfare Fund shared be established for such sportspersons so that they may be provided old age pension, disability allowance, medical treatment or financial assistance for self employment. The Bill proposes to achieve this objective.

Hence, this Bill.

DR. AKHILESH DAS GUPTA

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the Distressed Sportspersons Welfare Fund with initial corpus of rupees ten thousand crore to be provided by the Central Government and thereafter contribute to the fund. Clause 6 of the Bill makes it obligatory for the Central Government to provide adequate funds for carrying out the purposes of the Bill. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is not possible to quantify the actual amount which may be involved at this stage but it is estimated that a sum of rupee one thousand crore may involve as recurring expenditure per annum.

No non-recurring expenditure is likely to be involved.



## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. The rules will related to matters of details only.

The delegation of legislative power is of normal character.

## VI

## BILL NO. XXVIII OF 2013

*A Bill to prevent homicide on roads and highways due to rash, negligent and drunken driving by providing deterrent punishment of life imprisonment to the accused and for providing timely medical treatment to the victim, provision of well equipped ambulances at conspicuous places on roads and highways, compensation to the kin of the deceased and establishment of trauma centres and for matters connected therewith and incidental thereto.*

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

Short title,  
extent and  
commence-  
ment.

1. (1) This Act may be called the Homicide on Roads and Highways (Prevention and Miscellaneous Provisions) Act, 2013.

(2) It extends to whole of India.

(3) It shall come into force with immediate effect.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in other cases the Central Government;

(b) "prescribed" means prescribed by rules made under this Act;

(c) "Special Court" means Special Courts established for the trial of offences under this Act under section 4;

45 of 1860.  
2 of 1974.  
59 of 1988.  
48 of 1956.

(d) terms and phrases used but not defined in this Act and defined in the Indian Penal Code, 1860 or the Code of Criminal Procedure, 1973 or the Motor Vehicles Act, 1988 or the National Highways Act, 1956 shall have the meanings respectively assigned to them in those Acts.

**3.** Notwithstanding anything contained in any other law for the time being in force  
Whoever,—

Penalty.

(a) commits homicide on a road or highway including national highway, as the case may be, due to his rash or negligent or drunken driving, he shall be punishable with imprisonment for life, which shall mean to remain in jail custody till the end of his life and also with fine which may extend to five lakh rupees;

(b) causes accident on a road or highway including national highway due to his rash or negligent or drunken driving resulting in grievous hurt or permanent incapacitation of the accident victim of such driving, he shall be punishable with imprisonment which shall not be less than seven years but may extend to ten years and also with fine which may extend to seven lakh rupees;

(c) causes accident on a road or highway including national highway with another vehicle or vehicles, as the case may be, due to his rash or negligent or drunken driving thereby causes hurt or injuries to the accident victim or damages vehicles, he shall be punishable for imprisonment which shall not be less than three years but may extend to five years and also with fine which may extend to two lakh rupees;

(d) drives a vehicle under intoxication on a road or highway including national highway or overspeeds the vehicle therein which is likely to cause an accident the vehicle being driven by such a person shall be impounded permanently and he shall also be liable to fine which may extend to fifty thousand rupees; and

(e) where a person committing an offence under clauses (a) to (d) under this Act is a minor and it is proved that the vehicle driven by him was given or taken with the consent of any of his parents or guardian, as the case may be, such parent or guardian shall be deemed to be guilty of such offence and punished accordingly.

**4. (1) The offences under this Act shall be tried by Special Courts.**

Special Courts  
to try  
offences.

**(2) The appropriate Government shall, in consultation with the Chief Justice of the concerned High Court in the case of a State and the Chief Justice of India in other cases, by notification in the Official Gazette, constitute such number of Special Courts as it may deem necessary for carrying out the purposes of this Act.**

**(3) The set up of a Special Court constituted under sub-section (1) of section 4 shall be such as may be prescribed.**

**5. The appropriate Government shall,**

Miscellaneous  
provisions.

(a) provide timely medical treatment to the victim and the accused, in case he is wounded, in such manner as may be prescribed;

(b) make provisions of well equipped ambulances in such numbers as it may deem necessary and expedient and station them at conspicuous places on the major roads and highways including national highway so that the ambulance reaches the place of accidents without loss of precious time;

(c) establish sufficient number of trauma centres near the periphery of roads and highways including national highways with such facilities, as may be prescribed to treat the accident victims;

(d) pay compensation of minimum of ten lakh rupees to the next kin of deceased victim under this Act in such manner as may be prescribed; and

**(e) remove the existing liquor shops of vendors from highways including national highways and shall not give liquor licence to be set up near the highways in any manner whatsoever.**

Offences to be cognizable and non bailable. **6.** Notwithstanding anything contained in the Code of Criminal Procedure, 1973, 2 of 1974. offences under this Act shall be cognizable and non bailable.

Bar on granting anticipatory bail. **7.** Notwithstanding anything contained in any other law for the time being in force no court other than a High Court or the Supreme Court of India shall have the authority to grant anticipatory bail to any person accused of committing an offence under this Act.

Central Government to provide funds. **8. The Central Government shall, after due appropriation made by Parliament by law in this behalf provide funds, from time to time, for carrying out the purposes of this Act.**

Act to have overriding effect. **9.** The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force dealing with the subject matter of this Act.

Power to make rules. **10.** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

## STATEMENT OF OBJECTS AND REASONS

According to an official estimate more than nine thousand people on an average lose their lives due to rash, negligent and drunken driving on national highways alone in the Country and majority of these deaths are caused by drunken driving. Lakhs of people are critically wounded leading to their permanent incapacitation and losing their limbs in these accidents. Majority of the killed ones are innocent people, many of them are sole bread earners of their families. These deaths leave behind agonies, miseries and dark future for the members of the families and their children. Similarly, countless deaths are caused due to same reasons on other highways and roads and more so in urban areas. Majority of these deaths and serious wounds are caused by the negligence, rash or overspeeding and driving under intoxication and such reckless drivers come from all classes of society. They may be rich or in particular neo rich, middle class or coming from the poor sections of the society but one thing is common in them and that is once they consume liquor or other intoxicants, many innocent people are killed while they are driving on the roads and highways. Many a times such drunkards are also killed in these accidents but their number is very few. There is a feeling in our society that the existing law and law enforcing machinery ensures that rich are not affected in any manner after causing the accidents. They generally plead the excuse that brakes of their vehicle had failed and clearly hiding the fact that they were drunk while driving. The existing laws are not enough deterrent for them. Under the Motor vehicles Act, 1988 a drunk driver can be fined two thousand rupees or can be jailed for maximum period of six months. Under the Indian Penal Code to maximum jail term for negligent driving is six months. It is very common that the drunk who has killed innocent people gets bail at the Police Station itself and then he easily jumps the bail also.

Though there may be several reasons for the homicides committed on roads and highways but the main reason is there is no fear of law. Hence, a deterrent law is the need of the hour to reduce homicides on roads and highways. Along with this, there is need to provide timely medical treatment, ambulance services, trauma centres for treatment of victims, adequate compensation to the kins of those killed and several other provisions in the law itself.

Hence this Bill.

DR. AKHILESH DAS GUPTA

## FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the establishment of Special Courts to try offences. Clause 5 provides for giving timely medical treatment to victims, well equipped ambulances, sufficient number of trauma centres, provision of payment of compensation of minimum of ten lakh rupees to the next of kin of the victim etc. Clause 8 makes it obligatory for the Central Government to provide funds for carrying out the purposes of this Bill. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is not possible to quantify the amount at this stage, but it is estimated that a sum of rupees fifty thousand crore may involve as recurring expenditure per annum.

A sum of rupees Eighty thousand crore may also involve as non-recurring expenditure from the Consolidated Fund of India for creating infrastructure.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill gives power to the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

## VII

### BILL NO. XXXII OF 2013

*A Bill to prohibit and prevent the commission of atrocities and offences against the girls and women leading to beastly and barbarous brutality such as committing rape and inserting any foreign objects into the private parts thereby damaging the internal body parts, battering, killing after committing rape, chopping the body, burning alive, committing gangrape, publicly stripping and parading naked or raping pregnant women resulting in her miscarriage or death, committing rape on girl child of tender age, teasing, outraging modesty, molestation, branding or killing as witches, forcing into prostitution and such other offences and to provide for deterrent punishment including surgical castration and capital punishment and for the establishment of Fast Track Courts to try the offences and for the rehabilitation of victims and for matters connected therewith and incidental thereto.*

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

Short title,  
extent and  
commence-  
ment.

**1.** (1) This Act may be called the Girls and Women (Prevention of Beastly and Barbarous Brutality, Rape, Teasing, Molestation, Stripping and other Atrocities) Act, 2013.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.



2. In this Act, unless the context otherwise requires,—

Definition.

(a) "appropriate Government" means in the case of a State the Government of that State and in other cases the Central Government.

(b) "atrocities" in respect of girls and women includes assault, torture, beating, branding as witch or performer of black magic, parading naked, painting face or body black, blaming as loose character, forcing to do bonded labour, misusing position to harass or to get sexual favour, insulting or intimidating to humiliate publicly, taking pictures or videography without consent or forcing into prostitution in any manner or such other acts which are punishable under the Indian Penal Code, 1860;

45 of 1860.

(c) "bestiality and barbarous brutality" include,—

(i) committing rape on a girl or women, as the case may be, and then killing her by battering, strangulation or by any other means;

(ii) committing rape on a girl child of tender age or toddler;

(iii) committing rape or gangrape on a woman or girl, as the case may be, and piercing with or putting any blunt foreign objects through the private parts of the victim which damages her internal body system in any manner;

(iv) after killing a girl or woman, as the case may be, mutilating the face and other parts of the body of the victims by stones or any other blunt object, or disposing off her body by chopping into pieces or by burning or throwing at secluded place or river, canal or *nullah* or by burying;

(v) burning an alive girl or woman, as the case may be, leading to her permanent incapacitation or death;

(vi) committing gangrape on a girl or woman;

(vii) killing a girl or woman, as the case may be, by way of gangrape;

(viii) committing rape on a pregnant woman resulting in her miscarriage or death;

(ix) committing incestuous rape; and

(x) throwing acid on the girl or woman as the case may be.

(d) "castration" includes chemical castration wherein administration of a drug testosterone in leydig cells in the tests of a male to make him impotent and surgical castration or removal of male testes;

(e) "fast track court" means a Court established under section 8;

(f) "prescribed" means prescribed by rules made under this Act;

(g) "stripping" includes forcibly removing or getting removed under threat or tearing off any cloth or part thereof worn by a girl or woman, as the case may be, in order to expose her body or any part thereof or such a girl or woman, as the case may be;

(h) "teasing" in relation to a girl or woman includes uttering of words, song, making sound of whistle, suggestive gesture, touching in any manner whatsoever, leaning or forcing over her, exhibiting any object or part of the body, throwing any object or doing any act to attract the attention, sending SMS or making obscene calls through mobile or landline phone thereby intentionally harassing a girl or woman, as the case may be;

(i) words and expressions used but not defined in this Act and defined in the Indian Penal Code, 1860 and the Code of Criminal Procedure, 1973 shall have the meaning respectively assigned to them in those Acts.

45 of 1860.  
2 of 1974.

Prohibition of beastly and barbarous brutality, rape, teasing, molestation, stripping and other atrocities on girls and women.

Penalty.

3. (1) Notwithstanding anything contained in any other law for the time being in force, the committing of beastly and barbarous brutality, rape, teasing, molestation, stripping and other atrocities on girls and women are hereby prohibited.

(2) Whoever contravenes the provisions of sub-section (1) of section 3 shall be guilty of an offence under this Act.

4. whoever,—

(a) commits beastly and barbarous brutality on a girl or woman, as the case may be, shall be punished with death:

Provided that if the accused opts for voluntary surgical castration and pleads before the trial court to reduce his sentence the trial court may reduce the sentence to life imprisonment to remain in jail custody till the end of his life and no remission shall be granted by the appropriate Government or any authority to such convict;

(b) commits atrocity on a girl or woman, as the case may be, shall be liable for rigorous imprisonment for a term which shall not be less than seven years but may extend to ten years and also with fine which may extend to five lakh rupees;

(c) commits the offence of stripping on a girl or woman, as the case may be, shall be liable for rigorous imprisonment for a term which shall not be less than ten years but may extend to life imprisonment and also with fine which may extend to five lakh rupees; and

(d) commits the offence of teasing against a girl or woman, as the case may be shall be liable for rigorous imprisonment for a term which shall not be less than five years but may extend to ten years and also with fine which may extend to two lakh rupee.

Special provision for Juveniles.

5. Notwithstanding anything contained in the Juvenile Justice (case and protection of Children) Act, 2000, any Juvenile who has attained the age of fifteen years and above, if commits beastly and barbarous brutality on a girl or woman, as the case may be shall be administered surgical castration.

56 of 2000.

Offence to be cognizable and non bailable.

6. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 an offence committed under this Act shall be cognizable and non-bailable.

2 of 1974.

Bar on granting anticipatory bail.

7. Notwithstanding anything contained in any other law for the time being in force no court other than a High Court or Supreme Court of India shall have the authority to grant anticipatory bail to any person accused of committing an offence under this Act.

Establishment of Fast Track Courts.

8. (1) All the offences committed under this Act shall be tried exclusively in Fast Track Courts.

(2) The appropriate Government shall establish such number of Fast Track Courts preferably headed by women judges, as it may deem necessary for carrying out the purposes of this Act, within its territorial jurisdiction in consultation with the Chief Justice of the concerned High Courts.

(3) Every Fast Track Court established under this Act shall exercise all the jurisdiction powers and authority exercisable immediately before that day by all Courts except the concerned High Court and Supreme Court of India in relation to all matters of offences committed against girls and women under the Indian Penal Code, 1860 or any other law for the time being in force relating to women.

45 of 1860.

(4) From the date of commencement of this Act, the jurisdiction, powers and authority in relation to offences committed under this Act shall be exercisable by a Fast Track Court established under this Act and no other Court except the High Court concerned and the Supreme Court of India shall have jurisdiction, powers or authority in relation to such offences.

(5) Every suit or other proceedings pending before any other Court, Tribunal or Authority immediately before the date of commencement of this Act, being a suit or proceeding, the cause of action wherein it is based, is such that if it had arisen after such constitution of the Fast Track Court within its jurisdiction, shall stand transferred on that date to such special court:

Provided that nothing contained in this section shall apply to a suit or other proceedings pending in a High Court or Supreme Court of India, as the case may be.

(6) The judicial proceedings in the Fast Track Court shall be conducted in a camera on day to day basis without any adjournment till the verdict is declared by the Court as early as possible.

(7) There shall be created special deposition rooms in every Fast Track Court established under this Act to protect the victims privacy and it shall be ensured that no one shall inquire prior sexual history of the victims, notions about signs of physical struggle being indicative of rape and posing horrendous questions which may increase rape victims trauma.

9. (1) Whoever, being a public servant, willfully neglects his duties required to be performed by him under this Act or any police personnel who willfully does not register a complaint or First Information Report or shooed away the victim or any person intending to register a complaint or lodge an First Information Report about a crime committed under this Act shall be dismissed from service forthwith.

Miscellaneous provisions.

(2) The appropriate Government shall,—

(a) provide quick medical help to the victim of rape or other atrocities punishable under this Act;

(b) get the victims medically examined forthwith and the doctors doing so shall submit the medical report within forty eight hours to the appropriate Government;

(c) ensure time bound probe by Police or any investigating agency not beyond one month;

(d) provide protection to witnesses and ensure concealing of their identity;

(e) improve policing system to provide security to girls and women and law abiding citizens;

(f) provide Free legal aid to needy women who wish to free pursue their cases in Special Courts;

(g) initiate rehabilitation measures for the victims covered under this Act;

(h) implement such welfare measures for the victims covered under this Act, as it may deem expedient and necessary.

10. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appears to it to be necessary or expedient for removing the difficulty.

Power to remove difficulty.

11. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds for carrying out the purposes of this Act.

Central Government to provide funds.

12. Save as otherwise provided in this Act, the provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to have overriding effect.

13. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force applicable to the subject matter of this Act.

Act to supplement other laws.

14. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

## STATEMENT OF OBJECTS AND REASONS

Recently, a girl was brutally gang raped by six sex starved maniacs including a juvenile Short of only three months to attain majority in a moving bus and their beastly act did not stop in raping her as they inserted an iron rod in her private parts and also severely hit her with that rod which totally damaged her intestines. They also beat her friend and both the girl and the boy were thrown out of the moving bus totally naked and the hapless girl later expired in a Singapore Hospital where she was taken for specialized treatment. This heinous crime jolted the whole nation leading widespread protests in the National Capital and other parts of the Country in which the inhumane approach and apathy of Police and authorities was also witnessed by the people of largest democracy of the world. Girls and women remain vulnerable to various kinds of exploitations mostly sexual ones and other atrocities. Such atrocities include day-to-day teasing and molestation even at public places and means of transport. The goons pass vulgar remarks, throw objects including stones, whistle on hapless girls and women, touch their body parts, pinch them, sing vulgar songs and such other acts. In many cases, if the girl or woman resists the advances of the goons, they even throw acid on them spoiling their whole lives. In many places girls and women are publicly stripped and paraded naked mostly by influential ones to show their might, power, position and to teach the victim lesson or to take revenge. In many parts women are being branded witches and killed either to grab their properties or in case they refuse to accept the sexual advances of the culprits.

Cases of rape on girl child of few months or years and on pregnant women are on increase. To destroy evidence, girls and women are killed brutally and thrown at secluded places. In many cases, the rapists commit incestuous rape on their own daughters and sisters. Besides, increasing incidents of gang rape are also matters of serious concern. Needless to say, offence of rape and afflicting brutality on girls and women in the course of rape only indicates an element of fearlessness and disrespect to the law by the offenders.

Since the existing legislative measures have not created any deterrence, the time has come to take stern action by providing deterrent punishment including capital punishment, chemical castration, etc. for the rapists and rigorous imprisonment varying various terms and life imprisonment for other atrocities committed on them and by setting up special courts to try such offences on day-to-day basis to provide timely justice to the victims. The victims are also needed to be suitably rehabilitated. It is also felt that crimes against women by perpetrators be made cognizable and non-bailable. A more stringent and effective legislation is need of the hour to address all these issues.

Hence this Bill.

Dr. AKHILESH DAS GUPTA

## FINANCIAL MEMORANDUM

Clause 8 of the Bill provides for the establishment of Fast Tracks Courts to try the crimes against girls and women in the Country. Clause 9 provides for medical help to the victim, provide free legal aid, initiate rehabilitation measures and welfare measures for the victim. Clause 11 makes it obligatory for the Central Government to provide requisite funds to implement the provisions of this Bill. The Bill, if enacted, will involve expenditure from the Consolidated fund of India. It is not possible to quantify the amount right now but it is estimated that a sum of rupees twenty five thousand crore may involve as recurring expenditure per annum. A sum of rupees fifty thousand crore may also involve as non-recurring expenditure to create infrastructure throughout the Nation.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill gives powers to the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

**VIII****BILL NO. XL OF 2013**

*A Bill to provide for the fixing of maximum retail price of all fertilizers by the Central Government and for matters connected therewith and incidental thereto.*

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Fertilizer (Price Control) Act, 2013.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,  
extent and  
commencement.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “dealer” means a person engaged in the business of selling fertilizers whether in wholesale or retail or industrial use and includes a manufacturer, importer and a pool handling agency carrying on such business and his agents;

(b) “fertilizer” means any substance used or intended to be used as a fertilizer of the soil or crop and specified in Part A of Schedule 1 of the Fertilizer (Control) Order, 1985 and includes a mixture of fertilizer and special mixture of Fertilizers;

(c) “importer” means a person who imports fertilizer in accordance with the export and import policy of the Central Government, as amended from time to time;

(d) “manufacturer” means a person carrying on business of manufacturing of fertilizers;

(e) “maximum retail price” means the ceiling price plus taxes and duties as applicable at which the fertilizer shall be sold in the market;

(f) “pool handling agency” means an agency entrusted by the Central Government with functions relating to handling and distribution of imported fertilizers;

(g) “prescribed” means prescribed by rules made under this Act.

Fixation of price of fertilizer by the Central Government.

3. (1) **The Central Government may, by notification in the Official Gazette, fix the maximum retail price or rate at which any fertilizer may be sold by a dealer, manufacturer, importer or a pool handling agency.**

(2) **The Central Government shall constitute a Committee of Experts in such manner and on such conditions as may be prescribed within sixty days of the enforcement of this Act, with a view to examine and recommend the maximum retail price of the fertilizers.**

(3) **The Central Government shall, on receipt of the recommendations from the Committee of Experts, fix the maximum retail price of the fertilizers.**

(4) **The Central Government shall revise the maximum retail price of the fertilizers once in a year based on the recommendations of the Committee of Experts.**

Prohibitions on selling of fertilizer at a price exceeding the price determined by the Central Government.

4. **No dealer, manufacturer, importer or pool handling agency shall sell or offer for sale any fertilizer at a price exceeding the maximum price or rate fixed under clause (3) of section 3.**

Central Government to provide subsidy.

5. (1) **The Central Government shall reimburse the excess cost of production over the fixed selling price of the fertilizer as subsidy to the fertilizer manufacturing companies.**

(2) **The subsidy as prescribed under clause (1) shall be decided by the Central Government in consultation with the Ministry of Chemical and Fertilizers (Department of Fertilizers), Ministry of Agriculture and Departments of Agriculture of all the State Governments.**

Act to have overriding effect.

6. **The provision of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.**

Power to make rules.

7. **The Central Government may by notification in the Official Gazette, make rules for carrying out the purposes of this Act.**



## STATEMENT OF OBJECTS AND REASONS

Chemical Fertilizers play a significant role in making the agricultural sector of the country, self reliant. As rightly stated by the working group of Planning Commission, agricultural productivity is very importantly depended on the usage of optimum primary, secondary and micro nutrients and hence the role of Government becomes more significant in making available all types of nutrient at affordable prices to farmers at appropriate time.

India followed a system of controlled prices for all fertilizers until 1992, when the government decontrolled Phosphatic and Potassic (P&K) fertilizers. Now, urea being the only controlled fertilizer, is sold at statutory notified uniform sale price, and decontrolled Phosphatic and Potassic fertilizers are sold at indicative maximum retail prices (MRPs). After the decontrol, the prices of the Phosphatic & Potassic fertilizers registered a sharp increase in the market, which exercised an adverse impact on the demand and consumption of the same. There was also a noted increase in the consumption of subsidized urea, causing an imbalance in the usage of the nutrients of N, P & K (Nitrogen, Phosphate and Potash) and the productivity of the soil. To remove the imbalance in consumption of fertilizers, the Government from 2010 introduced Nutrient Based Subsidy (NBS) Policy which has also not proved very useful. Nutrient based subsidy policy has given the liberty to the manufacturers or importers of chemical fertilizers to fix the MRP based on their cost of production or import. Since then, the fertilizer companies had been hiking the retail price of fertilizers at will, causing extreme hardship to farmers. There is at present no institutional mechanism under the NBS Policy to determine the reasonableness of MRP fixed by the fertilizer companies or any express provision for taking action against manufacturers or marketeers in this behalf.

Pricing of fertilizers being an important area of decision making which can have longstanding impacts on the sustainability of the agricultural sector in the country, it is imperative to withdraw the Nutrient based subsidy policy and to restore the earlier system of fixing the maximum retail price (MRP) of fertilizers.

Hence, this Bill.

VIVEK GUPTA

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of Standing Committee of Experts with a view to examine and recommend the Central Government about the fixation of the maximum retail price of the fertilizers. Clause 5 provides that the Central Government shall reimburse the excess of cost of production over selling price of fertilizers as subsidy to the fertilizer companies and the rate of such subsidy shall be decided by the Central Government in consultation with the Department of Fertilizers, Ministry of Agriculture and Departments of Agriculture of State Governments. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. The recurring and non-recurring expenditure on it cannot be estimated at this stage, but has to be worked out by Central Government while implementing the provisions of the Act.

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The delegation of legislative power is of a normal character, as the matters to be prescribed are of details only.

**IX****BILL NO. XLI OF 2013**

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

Short title and  
commencement.

**1.** (1) This Act may be called the Constitution (Amendment) Act, 2013.

(2) It shall come into force with immediate effect.

Insertion of  
new article  
323C.

**2.** After PART XIV A of the Constitution, the following shall be inserted, namely:—

**“PART XIV B**

Central  
Bureau of  
Investigation.

**323C. (1) There shall be a Central Bureau of Investigation for prevention, investigation and prosecution of such offences as Parliament may by law determine.**

**(2) The Central Bureau of Investigation shall consist of a Director and such number of other officers with such qualifications, salaries and conditions as may be determined by Parliament by law.**

(3) The Director shall be appointed by the President on the recommendation of a Committee comprising:—

- (a) the Chairman, Rajya Sabha,—*Chairperson*;
- (b) the Leader of Opposition in Rajya Sabha,—*Member*;
- (c) a sitting Judge of the Supreme Court to be nominated by the Chief Justice of India,—*Member*;
- (d) the Central Vigilance Commissioner,—*Member*; and
- (e) any one from amongst the retired Directors of the erstwhile Central Bureau of Investigation,—*Member*.

(4) The superintendence of the Central Bureau of Investigation shall be vested in the Committee appointed under clause (3)’’.

## STATEMENT OF OBJECTS AND REASONS

It is the voice of the common man, political parties as well as Hon'ble Supreme Court that, to liberate the Central Bureau of Investigation from extraneous consideration, political influence, intrusions and other interference, it should be independent, unbiased and free from any instruction from political executive. So, for that purpose it is necessary to give special Constitutional status to the Central Bureau of Investigation.

Successive Parliamentary Committees have recommended replacement of the Delhi Special Police Establishment Act by an independent Central Bureau of Investigation Act keeping in view the above constraints and the rising challenges. The Second Administrative Reforms Commission in its fifth report on Public Order in June 2007 recommended that a new law should be enacted to govern the working of the Central Bureau of Investigation. This law should also stipulate its jurisdiction including the power to investigate the new category of crimes.

The Bill seeks to provide an appropriate legal architecture and give statutory status to the Central Bureau of Investigation and to equip it with police power to prevent, investigate and prosecute serious crimes pertaining to the security of the country, corruption and other crimes having all India and inter-State ramifications in an independent and transparent manner.

The Bill seeks to achieve above objectives.

DILIPBHAI PANDYA

## FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the constitution of the Central Bureau of Investigation with a Director and such other officers on such salaries and conditions as may be determined by Parliament. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees one hundred crore per annum will be involved.

**X****BILL NO. XLII OF 2013**

*A Bill to provide for the constitution of a Central Bureau of Investigation for prevention, investigation and prosecution of certain offences and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

Short title,  
extent,  
application and  
commencement.

**1.** (1) This Act may be called the Central Bureau of Investigation Act, 2013.

(2) It extends to the whole of India, and also applies—

(a) to citizens of India outside India;

(b) to persons in the service of the Government wherever they may be; and

(c) to persons on ships and aircrafts registered in India wherever they may be.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

**2.** In this Act, unless the context otherwise requires,—

(a) "Bureau" means the Central Bureau of Investigation constituted under section 3;

(b) "Code" means the Code of Criminal Procedure, 1973;

2 of 1974.



(c) "Committee" means the Committee constituted under sub-section (1) of section 4 for appointment of the Director;

(d) "Director" means the director of the Central Bureau of Investigation;

(e) "Prescribe" means prescribed by rules made under this Act;

(f) "Schedules" means Schedules to this Act; and

(g) "Scheduled offences" means an offence or classes of offences specified in Schedules of this Act.

Constitution  
of Central  
Bureau of  
Investigation.

**3. (1) Notwithstanding anything contained in any other law for the time being in force, there shall be constituted by the Central Government an investigation Bureau to be known as the Central Bureau of Investigation for prevention, investigation and prosecution of scheduled offences and such other offences as may be notified by the Central Government from time to time.**

**(2) The Bureau shall be headed by an officer to be designated as the Director.**

**(3) The Bureau shall comprise of such officers and other personnel of the rank of Special/Additional Director, Joint Director, Deputy Director, Assistant Director, Investigation Officer and such other personnel as may be prescribed by the Central Government.**

Committee  
for  
appointment  
of the  
Director and  
other officers  
of Bureau.

**4. (1) The Central Government shall appoint the Director on the recommendation of the Committee consisting of—**

(a) the Chairman, Rajya Sabha,—*Chairperson*;

(b) the Leader of Opposition in Rajya Sabha,—*member*;

(c) a sitting Judge of the Supreme Court to be nominated by the Chief Justice of India,—*member*;

(d) the Central Vigilance Commissioner,—*member*; and

(e) any one from amongst the retired Directors of the erstwhile Central Bureau of Investigation,—*member*.

(2) Save as hereinafter provided in this section, the superintendence of the Central Bureau of Investigation shall be vested in the Committee.

(3) The Committee, in consultation with the Director, shall recommend to the Central Government the names of the officers to be appointed to the posts of Assistant Director and above in the Bureau and the extension or curtailment of the tenure of such officers.

(4) On receipt of the recommendation under sub-section (3), the Central Government shall pass such orders as it thinks fit to give effect to such recommendation.

Terms and  
conditions of  
service of the  
Director.

**5. (1) The Director shall hold office for a period of not less than two years from the date on which he assumes office:**

Provided that the Director may be transferred before the stipulated period of two years with the previous consent of the Committee.

(2) The administration of the Bureau shall vest in the Director who shall exercise such administrative powers as the Committee constituted under section 4 may prescribe in this behalf.

Investigation  
of scheduled  
offences.

**6. Notwithstanding anything contained in any other law for the time being in force and subject to such general or specific orders of the Committee, the Bureau shall prevent, investigate and prosecute the offences specified in—**

(i) Schedule I and also such other offences relating to matters specified in List I—Union List of the Seventh Schedule to the Constitution, as may be notified in this behalf by the Central Government in the Official Gazette, from time to time; and

(ii) Schedule II and also such other offences relating to matter specified in List III—Concurrent List of the Seventh Schedule to the Constitution, as may be notified in this behalf by the Central Government in the Official Gazette, in respect of Union territories, from time to time.

7. The Central Government may in consultation with the Committee order extension to any area including railway areas, in a State, the powers and jurisdiction of officers of the Bureau for the prevention, investigation and prosecution of offences specified in section 6(ii):

Extension of powers and jurisdiction of the Bureau to States.

Provided that the prior consent of the State Government shall be necessary for investigation and prosecution of the offences specified in section 6(ii).

8. An officer of the Bureau, while exercising powers under this Act, may exercise the same powers and be subject to the same provisions, as the officer in charge of a police station may exercise and is subject to, under the Code in a cognizable case, including the powers and provisions relating to registration, investigation, arrest, search, seizure and filing of final report in the Court.

Officer of the Bureau to exercise powers of police officer.

9. An officer of the Bureau may exercise the powers and discharge the duties conferred or imposed under this Act on any other officer of the Bureau who is subordinate to him.

Power of subordinate officers may be exercised by senior officers of the Bureau.

10. (1) Notwithstanding anything contained in this Act or any other law for the time being in force, the Supreme Court and the High Courts shall have power to direct the Bureau to investigate or enquire into any offence.

Power of Courts to order investigation.

(2) Notwithstanding anything to the contrary contained in the Code or any other law for the time being in force, no subordinate court shall be competent to direct the Bureau to investigate or inquire into any offence.

11. The provision of section 162 of the Code shall not apply in relation to an investigation conducted by an officer of the Bureau and the statement made by any person to an officer of the Bureau shall be recorded in writing and signatures or thumb impressions, as the case may be, of the person making it shall be obtained by the officer of the Bureau on such statement.

Statement to an officer of Bureau to be signed.

12. (1) No suit, prosecution or other legal proceedings shall lie against any officer of the Bureau or any other person exercising any power or performing any function in good faith under this Act or the rules framed thereunder except with the previous sanction of the Central Government.

Protection of action taken in good faith.

(2) Notwithstanding the provision contained in sub-section (1), no request of suit, prosecution or any other legal proceeding shall be entertained by the Central Government after a period of two years of the alleged incident.

13. Nothing contained in this Act shall affect the power of the State Government to investigate and prosecute any scheduled offence or other offences under any other law for the time being in force.

Power of State Government to investigate scheduled offences.

45 of 2003.

14. In the Central Vigilance Commission Act, 2003,—

(i) for sub-clause (c) of section 2, the following sub-clause shall be substituted, namely:—

Amendment of the Central Vigilance Commission Act, 2003.

'(c) "Central Bureau of Investigation" means the Central Bureau of Investigation constituted under section 3 of the Central Bureau of Investigation Act, 2013;'

(ii) for the words 'Delhi Special Police Establishment', wherever they occur in the Act, the words 'Central Bureau of Investigation' shall be substituted; and

(iii) section 26 shall be omitted.

Amendment  
of the  
Prevention of  
Corruption  
Act, 1988.

**15.** In the Prevention of Corruption Act, 1988, in clause (a), in section 17, for the words 'Delhi Special Police Establishment', the words 'Central Bureau of Investigation' shall be substituted.

49 of 1988.

Repeal of Act  
No. 25 of  
1946 and  
savings.

**16.** (1) The Delhi Special Police Establishment Act, 1946 is hereby repealed.

25 of 1946.

(2) Notwithstanding such repeal, but without prejudice to the application of section 6 of the General Clauses Act, 1897, anything done or any action taken or purported to have been done or taken under or in pursuance of the Delhi Special Police Establishment Act, 1946, in so far as it is not inconsistent with the provisions of this Act, shall be deemed to have been done or taken in pursuance of the provisions of this Act.

10 of 1897.

(3) Upon repeal of the said Act, all persons who were members of the Delhi Special Police Establishment immediately before such repeal, shall be deemed to be appointed as members of the Bureau.

Power to make  
rules.

**17.** (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## SCHEDULE I

[See section 6 (i)]

1. Offences punishable under sections 121, 121A, 122, 123, 124, 124A, 128, 129, 130, 131, 132, 133, 134, 135, 136, 138, 140, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 263A, 489A, 489B, 489C, 489D, 489E of the Indian Penal Code, 1860 (Act No. 45 of 1860) related to matters in the List 1—Union List of the Seventh Schedule to the Constitution.
2. The Aircraft Act, 1934 (Act No. 22 of 1934) and rules made under the said Act.
3. The Anti-Hijacking Act, 1982 (Act No. 65 of 1982).
4. The Antiquities and Art Treasurers Act, 1972 (Act No. 52 of 1972).
5. The Arms Act, 1959 (Act No. 54 of 1959).
6. The Atomic Energy Act, 1962, (Act No. 33 of 1962).
7. The Central Excise Act, 1944 (Act No. 1 of 1944).
8. Sections 63, 63-A, 63-B, 65, 67, 68, 68A and 69 of the Copyright Act, 1957 (Act No. 14 of 1957).
9. The Customs Act, 1962 (Act No. 52 of 1962).
10. The Drugs and Cosmetics Act, 1940 (Act No. 23 of 1940).
11. Section 24 of the Emigration Act, 1983 (Act No. 31 of 1983).
12. Emergency Provisions (Continuance) Ordinance 1946 (Ordinance No. 20 of 1946) if committed by the Employees of the Central Government or contractors or sub-contractors or their representatives by contravening any order issued by the Central Government.
13. The Essential Commodities Act, 1955 (Act No. 10 of 1955).
14. The Explosives Act, 1884 (Act No. 4 of 1884)
15. The Explosive Substances Act, 1908 (Act No. 6 of 1908).
16. The Foreign Contribution (Regulation) Act, 1976 (Act No. 49 of 1976).
17. The Foreigners Act, 1946 (Act No. 31 of 1946).
18. The Foreigners Exchange Regulation Act, 1973 (Act No. 46 of 1973).
19. The General Insurance Business (Nationalisation) Act, 1972 (Act No. 57 of 1972).
20. The Income-Tax Act, 1961 (Act No. 43 of 1961).
21. The Import and Export Control Act, 1947 (Act No. 18 of 1947).
22. The Insurance Act, 1938 (Act No. 4 of 1938).
23. The Industries (Development and Regulation) Act, 1951 (Act No. 65 of 1951).
24. The Information Technology Act, 2000 (Act No. 21 of 2000).
25. The Indian Stamp Act, 1899 (Act No. 2 of 1899).
26. The Mines and Minerals (Development and Regulation) Act, 1957 (Act No. 67 of 1957).
27. The Narcotic Drugs and Psychotropic Substances Act, 1985 (Act No. 61 of 1985).
28. The Official Secrets Act, 1923 (Act No. 19 of 1923).
29. The Passport (Entry into India) Act, 1920 (Act No. 34 of 1920).
30. The Passport Act, 1967 (Act No. 15 of 1967).

31. The Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 (Act No. 46 of 1988).
32. The Prevention of Insults of National Honour Act, 1971 (Act No. 69 of 1971).
33. The Prevention of Money Laundering Act, 2002 (Act No. 15 of 2003).
34. The Prevention of Money Laundering (Amendment) Act, 2009 (Act No. 21 of 2009).
35. The Press and Registration of Books Act, 1867 (Act No. 25 of 1867).
36. Sections 4 and 5 of the Prize Chits and Money Circulation Scheme (Banning) Act, 1978 (Act No. 43 of 1978).
37. The Indian Post Office Act, 1898 (Act No. 6 of 1898).
38. The Railways Act, 1989 (Act No. 24 of 1989).
39. The Railways Properties Stores (Unlawful Possession) Act, 1966 (Act No. 29 of 1966).
40. The Railways Act, 1989 (Act No. 24 of 1989).
41. The Representation of People Act, 1950 (Act No. 43 of 1950).
42. The Representation of the People Act, 1951 (Act No. 43 of 1951).
43. The Registration of Foreigners Act, 1939 (Act No. 16 of 1939).
44. The Securities and Exchange Board of India Act, 1992 (Act No. 15 of 1992).
45. The Suppression of Unlawful Act against Safety of Civil Aviation Act, 1982 (Act No. 66 of 1982).
46. Sections 11 and 12 of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976 (Act No. 80 of 1976).
47. The Indian Telegraph Act, 1885 (Act No. 13 of 1885).
48. The Telegraph Wires (Unlawful Possession) Act, 1950 (Act No. 74 of 1950).
49. The Unlawful Activities (Prevention) Act, 1967 (Act No. 37 of 1967).
50. The Indian Wireless and Telegraphy Act, 1933 (Act No. 17 of 1933).
51. The Wealth-Tax Act, 1957 (Act No. 27 of 1957).

*Explanation.*—Attempts, abetments and conspiracies in relation to or in connection with the offences mentioned in this Schedule and any other offences committed in the course of the same transaction arising out of the same facts shall be deemed to be offences under this Schedule.

## SCHEDULE II

[See section 6(ii)]

1. Offences punishable under sections 34, 114, 120B, 143, 147, 148, 149, 153A, 153B, 161, 162, 163, 164, 165A, 166, 167, 168, 169, 170, 171E, 171F, 182, 186, 188, 189, 190, 193, 196, 197, 198, 199, 200, 201, 204, 211, 212, 214, 216, 216-A, 218, 220, 222, 223, 224, 225, 225B, 275, 277, 279, 283, 284, 285, 286, 292, 295, 295A, 302, 303, 304, 304A, 304B, 306, 307, 308, 309, 323, 324, 325, 326, 328, 330, 331, 332, 333, 336, 337, 338, 341, 342, 343, 344, 346, 347, 352, 353, 354, 355, 363, 363A, 364, 364A, 365, 366, 367, 368, 376, 376A, 376B, 376C, 376D, 379, 380, 381, 382, 384, 385, 386, 387, 388, 389, 392, 393, 394, 395, 396, 397, 398, 399, 401, 402, 403, 406, 407, 408, 409, 411, 412, 413, 414, 417, 418, 419, 420, 421, 426, 427, 429, 431, 435, 436, 440, 447, 448, 452, 454, 456, 457, 460, 461, 465, 466, 467, 468, 469, 471, 472, 473, 474, 475, 476, 477, 477A, 489, 495, 498A, 499, 500, 501, 502, 504, 505, 506, 507, 509 of the Indian Penal Code, 1860 (Act No. 45 of 1860) related to matters in the List III—Concurrent List of the Seventh Schedule to the Constitution.
2. Section 3 of the Benami Transaction (Prohibition) Act, 1988 (Act No. 45 of 1988).
3. The Companies Act, 1956 (Act No. 1 of 1956).
4. The Criminal Law (Amendment) Act, 1961 (Act No. 23 of 1961).
5. The Electricity Act, 2003 (Act No. 36 of 2003).
6. The Gift Tax Act, 1958 (Act No. 18 of 1958).
7. Section 3, 4, 5, 8, 9 and 15 of the Immoral Traffic (Prevention) Act, 1956 (Act No. 104 of 1956).
8. The Industries (Development and Regulation) Act, 1951 (Act No. 65 of 1951).
9. The Information Technology Act, 2000 (Act No. 21 of 2000).
10. The Motor Vehicles Act, 1988 (Act No. 59 of 1988).
11. Section 138 of the Negotiable Instruments Act, 1881 (Act No. 26 of 1881).
12. The Prevention of Corruption Act, 1988 (Act No. 49 of 1988).
13. The Prevention of Food Adulteration Act, 1954 (Act No. 37 of 1954).
14. The Prevention of Damage to Public Property Act, 1984 (Act No. 3 of 1984).
15. The Press and Registration of Books Act, 1867 (Act No. 25 of 1867).
16. The Religious Institutions (Prevention of Misuse) Act, 1988 (Act No. 41 of 1988).
17. Section 3 and 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Act No. 33 of 1989).
18. Section 51 of the Wildlife Protection Act, 1972 (Act No. 53 of 1972).
19. The Assam Opium Prohibition Act, 1947.
20. The Andhra Pradesh Control of Organized Crime Act, 2001.
21. The Bombay Stamp Act, 1958.
22. (a) Sections 121, 147, 161, 162, 163, 164, 165, 166, 167, 168, 169, 182, 193, 197, 198, 201, 204, 211, 218, 223, 224, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 246, 247, 248, 249, 250, 251, 252, 253, 254, 258, 259, 260, 261, 262, 263, 263A, 302, 304, 304A, 306, 307, 308, 309, 323, 324, 325, 326, 328, 330, 332, 333, 336, 337, 338, 341, 342, 343, 344, 346, 347, 352, 353, 354, 355, 363, 363A, 364, 365, 366, 367, 368, 376, 379, 380, 381, 382, 384, 385, 386, 387, 388, 389, 392, 395, 403,

406, 407, 408, 409, 411, 412, 413, 414, 417, 418, 419, 420, 427, 452, 465, 466, 467, 468, 471, 472, 473, 474, 475, 476, 477A, 489A, 489B, 489C, 511 of the Jammu and Kashmir Act No. 12 of Sambat 1989.

- (b) The Jammu and Kashmir State Prevention of Corruption Act, Sambat 2006 (J & K Act No. 13 of Sambat 2006).
  - (c) Sections 132, 133, 135, 136 of the Custom Act, 1962 (Jammu and Kashmir Act No. 52 of 1952).
  - (d) The Energy Agents Ordinance of Sambat 2005 issued by Government of Jammu and Kashmir.
- 23. The Karnataka Control of Organized Crime Act, 2000.
  - 24. The Karnataka Stamp Act, 1957.
  - 25. The Maharashtra Control of Organized Crime Act, 1999.
  - 26. Section 7 of the Nagaland Security Regulation 1962 (Regulation 5 of 1962).
  - 27. The Punjab Special Powers (Press) Act, 1956 (Punjab Act No. 38 of 1956).
  - 28. The Uttar Pradesh Indian Medicines Act, 1939 (U.P. Act No. 10 of 1939).
  - 29. The Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986 (Uttar Pradesh Act No. 7 of 1986).
  - 30. The West Bengal Security Act, 1950 (West Bengal Act No. 19 of 1950) as re-enacted by the West Bengal Security (re-enacted and validation) Ordinance, 1966.

*Explanation.*—Attempts, abetments and conspiracies in relation to or in connection with the offences mentioned in this Schedule and any other offence committed in the course of the same transaction arising out of the same facts shall be deemed to be offences under this Schedule.

## STATEMENT OF OBJECTS AND REASONS

It is the voice of the common man, political parties as well as Hon'ble Supreme Court that, to liberate the Central Bureau of Investigation from extraneous consideration, political influence, intrusions and other interference, the CBI should be independent unbiased and free from political interference. It should not depend on political executives for carrying out its immediate.

Successive Parliamentary Committees have recommended replacement of the Delhi Special Police Establishment Act, 1946 by an independent Central Bureau of Investigation Act keeping in view the above constraints and the rising challenges. The Second Administrative Reforms Commission in its fifth report on Public Order in June 2007 recommended that a new law should be enacted to govern the working of the C.B.I. This law should also stipulate its jurisdiction including the power to investigate the new category of crimes.

The Bill seeks to provide an appropriate legal architecture and give statutory status to the CBI and to equip it with police power to prevent, investigate and prosecute serious crimes pertaining to the security of the country, corruption and other crimes having all India and inter state ramifications in an independent and transparent manner.

The Bill seeks to achieve above objectives.

DILIPBHAI PANDYA



## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of Central Bureau of Investigation by the Central Government. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees three hundred and ten crore will be involved as recurring expenditure per annum.

No non-recurring expenditure is likely to be involved.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 17 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

**XI****BILL NO. LI OF 2013**

*A Bill further to amend the Indian Penal Code, 1860.*

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Indian Penal Code (Amendment) Act, 2013.

Short title  
and  
commencement.

(2) It shall come into force at once.

45 of 1860.

**2.** In section 206 of the Indian Penal Code, 1860 (hereinafter referred to as the principal Act), after the words "which may extend to two years, or with fine, or with both", the words "and the property so concealed or transferred or delivered shall be recovered from the person or whom it has been transferred" shall be inserted.

Amendment  
of section  
206.

**3.** In section 207 of the principal Act after the words "which may extend to two years, or with fine, or with both", the words "and the property so concealed or transferred or delivered shall be recovered from the person or whom it has been transferred" shall be inserted.

Amendment  
of section  
207.

## STATEMENT OF OBJECTS AND REASONS

People involving in fraudulent activities are increasing in our country. The law enforcing agencies in the country have intensified their vigilance in finding out the people who are engaged in such activities. Common men are the most affected persons due to such type of fraudulent activities. Most of them lose their money which is earned by them through hard work. These small savings of the common people are looted by the dishonest people to pile up their wealth. As and when they come under the scanner of the law enforcing agencies, they merely produce evidence or documents in their favour to show that they have not amassed any wealth from the common man. And if they are convicted, they will only be awarded imprisonment by the court without forfeiture of properties that they have built by means of fraudulent practice. There is an urgent need that our law should be made more specific to provide for attachment or recovery of the property amassed by use of unfair means along with the punishment specified in the law.

Hence this Bill.

K.N. BALAGOPAL

**XII****BILL NO. XV OF 2013**

*A Bill further to amend the Constitution (Scheduled Castes) Order, 1950.*

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

**1.** This Act may be called the Constitution (Scheduled Castes) Order (Amendment) Act, 2013. Short Title.

**2.** In the schedule to the Constitution (Scheduled Castes) Order, 1950, in Part XVIII—  
Uttar Pradesh, The entries 17 to 66 shall be renumbered as entries 18 to 67 respectively and  
before entry 18 as so renumbered, the following entries shall be inserted, namely:—

“17. Batham, Bhar, Bind, Dheemar, Gaur, Kahar, Kashyap, Kewat, Kumhar, mallah,  
Mahua, Manjhi, Nishad, Prajapati, Rajbhar, Turaha.”

Amendment  
of the  
Constitution  
(Scheduled  
Castes) Order,  
1950.

## STATEMENT OF OBJECTS AND REASONS

Uttar Pradesh is most populous State in the country. There are number of castes which are equally backward in all respects. There are a large number of people belonging to Batham, Bhar, Bind, Dheemar, Gaur, Kahar, Kashyap, Kewat, Kumhar, Mallah, Mahua, Manjhi, Nishad, Prajapati, Rajbhar, Turaha, castes who are living in the State but have not yet been included in the list of Scheduled Castes of the State of Uttar Pradesh even though their social and economic condition is worse than many other castes which are included in the list of Scheduled Castes. The people belonging to these communities are getting the benefits of reservation in other States and they ought to be given the reservation benefit in Uttar Pradesh also. The State Government of Uttar Pradesh submitted request to the Central Government for inclusion of these communities in the list of Scheduled Castes way back in the year 2004 but the Central Government have not taken any action so far despite the fact that these castes fulfil all the criteria required for inclusion in the list of Scheduled Castes.

Therefore, these castes deserve to be included in the Constitution (Scheduled Castes) Order, 1950 in respect of the State of Uttar Pradesh.

The Bill seeks to achieve the above objective.

NARENDRA KUMAR KASHYAP

## FINANCIAL MEMORANDUM

Clause 2 of the Bill Seeks to include fifteen castes in respect of entries in the list of Scheduled Caste for the States of Uttar Pradesh. This will entail some additional recurring and non-recurring expenditure on account of benefits of schemes meant for the development of the Scheduled Castes to which the persons belonging to the newly added communities will become entitled, as a result of this Bill.

2. It is not possible to estimate with any degree of precision the likely expenditure which would have to be incurred on this account.

**XIII****BILL NO. XI OF 2014**

*A Bill to provide for the protection of farmers from exploitation by moneylenders, middlemen, unscrupulous traders and others, removal of indebtedness, remunerative prices for their produce, increasing farm yield by improving farming practices by modern techniques and allied occupations, extending protective umbrella against natural calamities in which crops are lost by way of compulsory insurance of crops and livestock and provision of adequate compensation, work, food, potable water, fodder, etc. during calamity, extending compulsory market intervention in case of bumper crops, old age allowance, soft loans from Banks and other institutions and other welfare measures to be undertaken by the State so as to prevent the distressed farmers from committing suicide and for matters connected therewith and incidental thereto.*

BE it enacted by Parliament in the Sixty-fifth year of the Republic of India as follows:—

**1.** (1) This Act may be called the Exploited, Indebted and Poverty Stricken Farmers (Protection, Prevention of Suicides and Welfare) Act, 2014.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

Short title,  
extent and  
commence-  
ment.



2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "agricultural produce" include paddy, wheat, coarse cereals, pulses, sugarcane, gram, cotton, oilseeds, vegetables, fruits, jute, coconut, tobacco, areca nuts and such other agricultural produces which may be notified from time to time by the Central Government in the Official Gazette and also include seed as defined in the Seeds Act, 1966;

54 of 1966.

(b) "appropriate Government" means in the case of a State, the Government of that State and in other cases, the Central Government;

(c) "bumper crop" means the excess yield of any agricultural produce of a farmer when the return to the farmer is not commensurate with its cost of production;

(d) "farmer" means a person who owns land and cultivates or causes it to be cultivated for agricultural or horticulture purposes and includes small and marginal farmers as identified by the appropriate Government or by the Union Planning Commission, as the case may be;

(e) "Fund" means the National Farmers Natural Calamity and Welfare Fund established under section 3;

(f) "natural calamity" includes drought, flood, cyclone, hailstorm, extreme cold and frost, winterkill, sunami, storm, fire, excessive rains, snow, damages, caused by wild life, insect infestation of large scale magnitude, plant diseases and such other natural phenomenon as may be notified by the appropriate Government in the Official Gazette, from time to time;

(g) "prescribed" means prescribed by rules made under this Act.

**3. (1) The Central Government shall, as soon as may be, but not later than six months from the commencement of this Act, establish a National Farmers Natural Calamity and Welfare Fund with an initial corpus of rupees fifty thousand crore to be provided by the Central Government, after due appropriation made by Parliament by law in this behalf for carrying out the purposes of this Act.**

Establishment of the National Farmers Natural Calamity and Welfare Fund.

**(2) After the initial stage of the establishment of the Fund, moneys shall be provided to the Fund by the Central Government and Governments of the States in proportion to the population of farmers and in such manner as may be prescribed.**

**(3) The fund shall also comprise moneys received from the general public, body corporate, financial institutions domestic as well as foreign ones, as donations or gifts as the case may be.**

**(4) The fund shall be utilized for,—**

**(a) paying adequate compensation to farmers affected by natural calamity by way of losing crops, livestock, movable for immovable property due to such calamity;**

**(b) paying old age allowance to the farmers;**

**(c) implementing special assistance package to be formulated by the appropriate Government for the children, physically challenged and old farmers and others vulnerable to the fury of natural calamity;**

**(d) for extending educational facilities to the children of farmers and assistance for the marriage of their grown up daughters;**

**(e) making provision for food, drinking water, fodder and other necessities of day to day life in natural calamity affected rural areas;**

**(f) timely and adequate supply of quality seeds, manure, fertilizers, insecticides, etc. to the farmers;**

- (g) paying the premiums of crop insurance of poverty stricken farmers;
- (h) providing healthcare facilities to the farmers and their families;
- (i) providing maternity services to the rural womenfolk;
- (j) establishment of well equipped and modern veterinary hospitals in every block to assist farmers in animal husbandry;
- (k) promoting group farming for better farm management and making agriculture economically viable;
- (l) providing institutional mechanism for efficient marketing and export of farm produce;
- (m) such other purposes as the Central Government may deem necessary and expedient for carrying out the purposes of this Act.

(5) The fund shall be administered in such manner as may be prescribed.

Central Government to formulate long-term action plan for the protection and welfare of farmers.

4. (1) The Central Government shall, as soon as may be, in consultation with the Governments of the States, formulate a long-term action plan for the protection and welfare of farmers in particular for the farmers of calamity prone areas or regions of the country as may be necessary.

(2) In particular and without prejudice to the generality of the provisions of subsection (1) of section 4 such action plan may include,—

- (a) comprehensive crop and livestock insurance scheme to make up the losses of farmers due to natural calamity;
- (b) compulsory market intervention in case of bumper crop;
- (c) writing off loans and interest of the farmers affected by natural calamity;
- (d) easy credit facility with interest free or with nominal rate of interest from the Banks and Financial Institutions;
- (e) remunerative prices for the agricultural produces;
- (f) such welfare measures as may be deemed necessary to protect the exploited, indebted and poverty stricken farmers of the country;

Protective umbrella for farmers by the appropriate Government.

5. In order to provide protective umbrella to the distressed, exploited, indebted and poverty stricken farmers, it shall be the duty of the appropriate Government to,—

- (a) compulsorily monitor the trends of production of agriculture produce of every sowing season so as to arrive of the estimates of likely production, local consumption, purchases by Government agencies, surplus, etc.;
- (b) in case of bumper crop and surplus caused therefrom, make affordable transportation arrangements to carry the surplus produce to identified areas where such produce is likely to be consumed and make marketing and yard facilities for such surplus;
- (c) ensure that farmers do not resort to distress sale and take appropriate measures to rein in the unscrupulous traders who exploit the farmers by not purchasing their yield by forming cartel for this purpose;
- (d) purchase the surplus produce through its agencies by extending compulsory market intervention;
- (e) fix the remunerative prices of agricultural produce from time to time;
- (f) compulsory remove the middlemen operating in the wholesale and other markets who exploit the farmers;

(g) study the requirements of farmers for promoting agriculture through agricultural education, research, training through modern *Krishi Vigyan Kendras*, *Kisan Call Centres* and agricultural universities;

(h) establish well equipped modern Veterinary hospitals in every block to assist farmers in animal husbandry;

(i) promote agro based industries like food processing, dairying, poultry, rearing of livestock, piggery, bee keeping, etc. to enhance farm income;

(j) promote cultivation of vegetables, spices, floriculture, pisciculture, sericulture, horticulture, etc.;

(k) extend all the Government schemes of employment generation and for self employment compulsorily in the rural areas for the benefit of farmers;

(l) ensure easy institutional loans to remove indebtedness;

(m) extend such other protective measures as may be prescribed.

6. Notwithstanding anything contained in any other law for the time being in force, the Central Government shall formulate special provisions for the exploited, indebted and poverty stricken farmers of suicide prone region of Vidarbha in Maharashtra, areas of Punjab, Madhya Pradesh, Karnataka, Andhra Pradesh and such areas in other parts of the country which may include,—

Special provisions for farmers of Vidarbha region and other suicide prone areas.

(a) directing all the Banks, including Cooperative and Regional Rural Banks and other financial institutions which give agricultural loans to stop all recovery processes and to start financial settlement process in each case where loan has been taken by a farmer and who has not been able to repay the loan due to effects of natural calamity or otherwise and settle all such cases in the following manner:—

(i) the loan amount to be segregated in two parts, namely the principal and interest separately;

(ii) simple interest to be calculated on the principal amount from the date of actual drawal of loan to the date of settlement process;

(iii) the amount already paid back by farmers shall first be adjusted against the principal amount and thereafter against the interest;

(iv) the balance unpaid amount shall be divided into ten equal annual instalments without charging interest and recovered every year and no legal process shall be initiated till farmers defaults in payment for three years consecutively;

(v) the interest shall be charged in such a way that it does not exceed the rate of interest given to farmers on the savings deposited with the Banks and financial institutions;

(vi) the final settlement of loan shall be done in such a way that the farmer is not required to pay more than forty per cent of the original principal amount by way of interest;

(vii) if farmer has repaid the loan to the extent of fifty per cent, he shall automatically be considered eligible for fresh loan; and

(viii) in case of natural calamity, instalments of loan against the farmers shall be written off treating it as bad debt:

(b) reimbursement of loans and concessions given to the farmers by banks and financial institutions in case, the farmers are unable to repay the amount.

(c) prohibition on moneylenders in lending money to the farmers, in case any

loan given by such moneylenders to any farmer shall be deemed to have been written off.

(d) providing public employment to one of the dependents of a farmer who loses his life as a consequence of natural calamity irrespective of the fact that such farmer having committed suicide in such manner as may be prescribed.

(e) providing adequate financial assistance to the family of the farmer having committed suicide in case he has a daughter of marriageable age for her marriage, and

(f) such other measures as may be necessary for carrying out the purposes of this Act.

Central Government to provide funds.

Power to remove difficulty.

Act to have over-riding effect.

Act to supplement other laws.

Power to make rules.

**7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds for carrying out the purposes of this Act.**

**8.** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of the difficulty.

**9.** The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

**10.** The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force dealing with the subject matter of this Act.

**11.** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

## STATEMENT OF OBJECTS AND REASONS

Ours is predominantly an agrarian country and agriculture is the backbone of our economy as it immensely contributes to Gross Domestic Product (GDP) and generates largest number of employment opportunities. The farmers sustain the country with food security and supply the largest share of raw material to industrial sector. Its export share is also considerable which brings precious foreign exchange in the Country. But, unfortunately, the farmer in our Country is the most exploited, heavily indebted and poverty stricken. Many a time when the debt burden becomes unbearable and farmers who are unable to withstand this burden end their lives by committing suicide despite the fact that farmers and agricultural labourers are considered to be brave by nature and the phenomenon of suicides does not go along with their psyche but economic hardships are forcing them to take the extreme step which may eventually lead to social turmoil.

The National Farmers Commission of India had recently highlighted that nearly one lakh fifty thousand farmers have committed suicides in the Country since 1990. Incidentally, suicides of farmers has taken place in those states where green revolution has been a success story namely, Punjab, Maharashtra, Madhya Pradesh, Kerala, Tamil Nadu, Karnataka, Andhra Pradesh, Chhattisgarh, etc. In Maharashtra and in particular in the Vidarbha region alone the figure of farmers committing suicides touched one lakh thirty one thousand during 1993-2006 and the trend is still continuing in the State. In fact, hardly any State has undertaken comprehensive enumeration of the suicides of farmers. Nevertheless the suicide of farmers is a blot on our democracy but natural calamities play major role in destroying the hopes of the farmers as they have to bear the brunt of the natural calamities. Their crops are damaged and farmers become penniless making them defaulters in repayment of loans taken from the institutions or from the moneylenders. When they are hounded, in particular by the moneylenders, the hapless farmers resort to committing suicides.

Acute poverty and indebtedness is another major factor for the farmers for taking the extreme step of committing suicides. According to National Sample Survey Organisation NSSO (2005) 48.6 per cent of the total farmer households are reported to be indebted in 2005. The incidence of indebtedness is highest in Andhra Pradesh where 82 per cent farmers are indebted followed by Tamil Nadu, Punjab, Kerala, etc. In Maharashtra 54.8 per cent farmers were indebted. In short, nearly 50 to 53 per cent farmers in many other States are facing indebtedness.

The two recent decisions of the Central Government namely the package of rupee 25000 crore to families of suicide victims and debt waiver of 70,000 crore rupee for farmers show that the nation has at least recognised the seriousness of the phenomenon. But much more needs to be done in this regard. The seriousness and dimensions of the phenomenon warrants a census survey of all those farmers who have committed suicides. Then various welfare measures need to be extended to the farmers. A National Farmers Natural Calamity Welfare Fund is required to be established. All efforts should be made to remove the indebtedness and acute poverty of the farmers by releasing more packages and allocating more Budgetary support to this vital sector.

Hence this Bill.

RAJKUMAR DHOOT

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of a National Farmers Natural Calamity and Welfare Fund with initial corpus of fifty thousand crore rupee to be provided by the Central Government and thereafter Central Government will have to contribute to the Fund along with the States. Clause 7 of the Bill makes it obligatory for the Central Government to provide requisite funds to carry out the purposes of the Bill. The Bill if, enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of Sixty thousand crore rupee may involve as recurring expenditure per annum.

A non-recurring expenditure to the tune of Ten thousand crore rupee may also involve from the Consolidated Fund of India.

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

**XIV****BILL NO. XII OF 2014**

*A Bill to amend the Central Vigilance Commission Act, 2003.*

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title and  
Commencement.

- 1.** (1) This Act may be called the Central Vigilance Commission (Amendment) Act, 2014
- (2) It shall come into force with immediate effect.

Amendment  
of section 5.

- 2.** In the Central vigilance Commission Act, hereinafter referred to as the Principal Act, 45 of 2003.  
in section 5—

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) Subject to the provisions of sub-sections (3) and (4), the Central Vigilance Commissioner shall hold office for a term of five years from the date on which he enters upon his office and shall be eligible for reappointment for another term when the public interest so requires, or till he attains the age of Seventy years, whichever is earlier:



Provided that the Central Vigilance Commissioner, on ceasing to hold the office after his second term, shall be ineligible for reappointment in the Commission in any capacity.

(b) in sub-section (2):—

(i) for the words "four years" and "sixty-five" the words "five years" and "seventy" respectively shall be substituted.

(ii) before the existing first proviso the following proviso shall be inserted, namely:

Provided that notwithstanding anything in this Act, every Vigilance Commissioner, shall be eligible for reappointment in the same capacity and in the public interest, his term may also be extended by the Central Government, by notification in the Official Gazette, for the period specified in the notification.

(iii) in the existing first proviso, after the word "Provided" the word "further" shall be inserted.

(iv) in the existing second proviso, for the word "further" the word "also" shall be substituted.

3. For section 7 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 7.

"7.(1) The Commission shall have a Secretariat consisting of such number of officers and members of the staff as the Commission may deem necessary for the efficient functioning of the Commission.

Secretariat of the Commission.

(2) The Parliament may by law regulate the recruitment and conditions of service of the persons appointed to the Secretarial staff of the Commission:

Provided that until provision is made by Parliament under this sub-section the rules and regulations applicable to the Central Government employees shall be applicable to the Secretarial staff of the Commission *mutatis mutandis*.

(3) Notwithstanding anything in this Act, the Commission shall be at liberty to formulate action plan to attract talent for specialized function of vigilance for its efficient functioning by providing ample opportunities for promotions and better emoluments and such other incentives as the Commission may deem fit and necessary."

4. In section 8 of the principal Act,—

Amendment of section 8.

(a) for clause (f), the following clause, shall be substituted, namely:—

"(f) tender advice in cases forwarded by Central Bureau of Investigations in all cases investigated by it in which it considers necessary to initiate prosecution for such prosecution sanction is required under any law for the time being in force to be issued in the name of the President of India and to determine whether or not sanction is required for prosecution and for resolving difference of opinion and shall also review the progress of applications pending with the competent authorities for sanction of prosecution under the Prevention of Corruption Act, 1988."

(b) In clause (h), for the existing proviso the following proviso, shall be substituted, namely:

"Provided that the Commission may initiate at such intervals as it consider expedient and suitable review of procedures and practices of administration in so far as they relate to maintenance of integrity in administration."

## STATEMENT OF OBJECTS AND REASONS

With a view to prevent the corruption, the Santhanam Committee was constituted by the Government in the sixties and on its recommendation the Central Vigilance Commission was set up by the Central Government by a resolution in 1964.

In 1997, The Government constituted an Independent Review Committee to suggest measures for strengthening *inter-alia* Anti-corruption activities as part of its efforts against Corruption. The review Committee recommended for conferring statutory status to the Central Vigilance Commission. During the same year, the Supreme Court of India also directed to make the Central Vigilance Commission a statutory body.

In 1998, statutory status was granted through an ordinance and finally a Bill for this purpose was passed by both the Houses of Parliament and assented to by the President of India and Act came into force in 2003. However, *vide* a resolution of Department of Personnel and Training (DoPT) it was provided that the Central Vigilance Commissioner will ordinarily hold office for a term of three years which was changed to four years in the Act. The resolution also provided for extending the term of office of the Central Vigilance Commissioner in Public interest. But this provision was not incorporated in the Act.

Now the life expectancy of the people in our Country has substantially increased and people do not feel any difficulty in working actively upto Seventy years and more. For the benefit of the Nation and to utilize the vast experience, Government is raising the age of retirement for Scientists, Teachers, Doctors and others. It is also very common that the Hon'ble Judges of the apex Court retire after attaining the age of sixty-five years and many of them are thereafter appointed to head various Commissions, Tribunals etc. in many cases for five years and more. It is felt that on the same lines the Central Vigilance Commissioner/Vigilance Commissioner(s) should initially be appointed for five years and in the public interest should be reappointed for another term.

Since, vigilance is a specialized function which requires talented and well-trained staff with high integrity. For this the Commission have to attract talent required for its efficient functioning and talent will be attracted if there are ample opportunities of promotions, better emoluments and incentives at least as par with the staff of CBI. In order to achieve this, the Central Vigilance Commission needs to have functional autonomy to decide on number of officers and staff required at various levels for its efficient functioning. Hence, it is felt that it should have a separate Secretariat.

There are certain other important suggestions which have been incorporated in this Bill which will improve the functioning of the Commission and also confer some necessary powers on the Commission.

Hence, this Bill.

RAJKUMAR DHOOT

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of Secretariat of the Central Vigilance Commission. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. The recurring and non-recurring expenditure on this count cannot be estimated at this stage, but has to be worked out by Central Government while implementing the provisions of the Act.

**XV****BILL NO. XIII OF 2014**

*A Bill to provide for the remunerative prices for the produce of the onion and cotton growers of Maharashtra and other parts of the country fixed on the basis of cost of production of onions and cotton by the Government and for compulsory market intervention by the Government in case of bumper crop of onions and cotton thereby ensuring that Government agencies do purchase the produce, compulsory insurance of onion and cotton crops free of cost by the Government and for certain welfare measures for the growers and for matters connected therewith and incidental thereto.*

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Onion and Cotton Growers (Remunerative Prices and Welfare) Act, 2014.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

Short title,  
extent and  
Commence-  
ment.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "Fund" means the Onion and Cotton Growers Welfare Fund established under section 4;

(c) "Grower" means any person who cultivates onion or cotton, as the case may be;

(d) "prescribed" means prescribed by rules made under this Act.

Fixation of remunerative price of onion and cotton and compulsory procurement.

3. (1) Notwithstanding anything contained in any other law for the time being in force, the Central Government, shall, in consultation with the concerned Governments of the States where onion and cotton are grown extensively, fix and declare remunerative prices of onion and cotton on the basis of cost of production of each of cotton and onion before the onset of sowing season of these commodities:

Provided that different prices may be fixed for different regions of the country.

(2) While fixing the remunerative prices of onion and cotton respectively under sub-section (1), the Central Government shall take into account the following factors, namely:

(a) cost incurred by the growers in sowing, growing and harvesting of onion and cotton separately;

(b) cost incurred on seeds, manure of fertilizers, insecticides and pesticides by the grower;

(c) cost incurred on labour;

(d) electricity and water charges incurred by the grower;

(e) maintenance cost of the field, storage charges, processing fee of cotton and onions incurred by the grower;

(f) cost incurred on transportation of onion and cotton, as the case may be;

(g) climatic conditions and occurrence of natural calamity; and

(h) any other contingency expenditure incurred by the grower.

(3) After the remunerative prices so fixed by the Central Government for onion and cotton, the appropriate Government shall give wide publicity to the remunerative prices fixed for onion and cotton under this Act through the print and electronic media and by involving the village Panchayats in its endeavour.

(4) Notwithstanding anything to the contrary, the Central and State Government agencies shall purchase the onion and cotton directly from the grower without involving any middlemen in any manner in case the grower fails to sell his produce in the open market.

(5) The appropriate Government shall invoke timely market intervention compulsorily whenever there is bumper crop of onion or cotton, as the case may be, resulting in nosedive of prices in the open market and purchase the entire quantities of onion and cotton offered for sale by the grower through Government agencies in such manner as may be prescribed.

(6) It shall be the duty of the appropriate Government to keep a watch on the dubious activities of onion and cotton traders and middlemen during the immediate post harvest period to ensure that prices of onion or cotton, as the case may be, do not fall as a result of speculation and take such measures, as it may deem necessary to protect the interest of the grower.

(7) The Central Government shall take all necessary and appropriate steps to export the surplus onion and cotton produced by the grower during a year in the country.

(8) The entire crop of onion and cotton and the yield thereof shall be compulsorily insured free of cost by the Central Government against natural calamities, fall in the yield, fall in the prices and such other eventualities as may be prescribed.

**4. (1) The Central Government shall, by notification in the Official Gazette, establish the Onion and Cotton Growers Welfare Fund for the purposes of this Act with initial corpus of rupee fifty thousand crore to be provided by the Central Government by due appropriation made by law by Parliament in this behalf and thereafter the Central and concerned State Governments shall contribute to the Fund to such extent and in such manner as may be prescribed.**

Establishment of the Onion and Cotton Growers Welfare Fund.

(2) The fund may also receive money from body corporates, financial institutions both domestic and international ones, individuals and bodies in the form of contributions and donations.

**5. (1) The fund shall be utilized for the following purposes, namely:—**

Utilization of the fund.

(a) to provide financial assistance to the grower for purchasing seeds, fertilizers, manure, pesticides, insecticides, sprinklers, etc. and in care of low yields of crop or loss thereof due to natural calamity such as heavy or consistent rains or untimely rains, storm, flood, drought, hailstorm, fire or destruction of crops by wild animals and such other eventualities;

(b) to pay ex-gratia payment and financial assistance to the next of kin of the grower in the event of his death or permanent incapacitation;

(c) to pay crop insurance premium on behalf of the grower;

(d) to provide free healthcare facilities for the grower and his family members;

(e) to provide education including technical, medical, higher education and vocational training to the children of the grower;

(f) to provide financial assistance to the grower in case he becomes disable for any reason whatsoever.

(2) For the purpose of this Act, the appropriate Government shall,—

(i) Maintain a district-wise register of growers with such particulars and in such manner as may be prescribed;

(ii) make provisions for payment of old age pension to the growers who have attained the age of sixty years and more;

(iii) provide maternity facilities including medical treatment, all the required medicines and delivery facilities to the female members of the family of the grower in such manner as may be prescribed;

(iv) Make such other welfare related provisions for the growers as it may deem necessary or expedient for the purposes of this Act.

**6. The Central Government shall, from time to time, provide, after due appropriation made by Parliament by law in this behalf, requisite funds for carrying out the purposes of this Act.**

Central Government to provide requisite funds.

**7.** The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force dealing with the subject matter of this Act.

Act to have overriding effect.

**8.** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of the difficulty.

Power to remove difficulty.

**9.** The Central Government, may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

## STATEMENT OF OBJECTS AND REASONS

In our country onion is consumed almost in every household and thereby has become a part and parcel of the food habit. This commodity is also widely used in hotels, restaurants, dhabas, chaat stalls and every small and big eatery throughout the country. Onions are grown in a very large scale in Maharashtra and Nashik region has become synonymous with onions. Gujarat, Karnataka, Rajasthan are other major onion producing States. In fact, onions are grown and consumed in the entire country. Though onions occupy a high place in our food habit, the onion growers are distressed lot mainly due to two reasons. One, they have to depend on the vagary of nature. Heavy and unseasonal rains or deficit rainfall adversely affects their yield. Then, they hardly get remunerative price. Only the middlemen, wholesalers and retailers mint the money and not the grower. When there is a bumper crop of onions the prices nosedive and the unscrupulous traders exploit the onion growers to the extent possible. There is market intervention scheme but it is applied very late because the State Government has to make a request to the Centre for market intervention and by the time it is approved, it is already too late resulting in heavy losses to the growers who are forced to sell their produce at throwaway prices. They also face other difficulties related to storage, transportation, marketing and so on.

Similar is the situation of cotton growers of Maharashtra and other parts of the country. Although cotton fulfills one of the basic requirements of human being namely, clothing and thus extensively used in textile, handloom, Khadi and such other sectors but many cotton growers in Maharashtra, Andhra Pradesh, Punjab and other parts of the country have committed suicide in the recent past because cotton growing has become a non-profitable agricultural activity and they were under heavy debts and unable to repay their loans they ended their lives. In the State of Maharashtra, the State Government was implementing a scheme in which cotton was procured by giving bonus under guarantee and the growers were getting remunerative prices. But now for the unknown reasons the State Government has discontinued this scheme which has compounded the problems of cotton growers in the State. It is an irony that the Government allows indiscriminate export of other products ignoring domestic requirements but export of cotton is banned which needs to be lifted.

Of late, it has been noticed that prices of seeds of onion and cotton, fertilizers, manure, pesticides, insecticides, transportation, labour and other inputs have increased manifold but the growers are not getting remunerative prices. There is hardly any protective umbrella of welfare measures, old age pension, medical aid etc. for the growers. Thus, a Welfare fund needs to be established on priority basis for the onion and cotton growers.

Hence this Bill.

RAJKUMAR DHOOT

## FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the establishment of the onion and cotton growers welfare fund with initial corpus of rupee fifty thousand crore to be provided by the Central Government. Clause 6 of the Bill makes it obligatory for the Central Government to provide requisite funds for carrying out the purposes of this Bill. The Bill, if, enacted will involve expenditure from the Consolidated Fund of India. Though it is not possible to quantify the exact amount which may involve at this juncture, it is estimated that a sum of rupee fifty thousand crores may involve as recurring expenditure per annum.

No non-recurring expenditure is likely to be involved.



## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

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SHUMSHER K. SHERIFF,  
*Secretary-General.*